

Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 05986/100I147-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Max Costa et al.

Application No.: 10/057,832

Confirmation No.: 1550

Filed: January 25, 2002

Art Unit: 1642

For: METHODS AND COMPOSITIONS USING  
CAP43 PROTEINS AND NUCLEIC ACIDS TO  
DIAGNOSE AND TREAT CANCER AND  
OTHER DISORDERS

Examiner: Susan Nmn Ungar

**CONSENT OF ASSIGNEE IN SUPPORT  
OF PETITION PURSUANT TO 37 C.F.R. 1.48(A)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Abram M. Goldfinger, hereby declare and state as follows:

1. I am the Executive Director of Industrial Liaison and Technology Transfer at New York University, the assignee of this application. I am an official empowered to act on behalf of New York University, and make these statements in that capacity.

2. New York University is the assignee of all right, title and interest in and to this application by virtue of an assignment from the original named inventors Max Costa, Konstantin Salnikow and Herman Yee. That assignment is recorded in the U.S. Patent and Trademark Office at Reel 012933, Frame 0969.

3. I understand that a Petition is being filed in the U.S. Patent and Trademark Office to amend the inventorship of this application. I understand, in particular, that the Petition seeks add the name of Hakan Cangul as a co-inventor of this application.


4. I hereby give written consent, on behalf of the assignee New York University, for this change in the inventorship set forth for the application.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

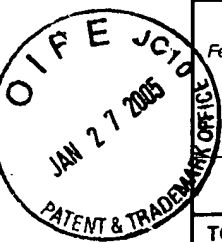
Respectfully submitted,

Dated: \_\_\_\_\_

12/15/04



Abram M. Goldfinger  
Executive Director,  
Industrial Liaison/Technology Transfer  
New York University  
70 Washington Square South  
New York, New York 10012  
Tel. (212) 263-3115



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/057,832-Conf. #1642
<b>TOTAL AMOUNT OF PAYMENT</b>		Filing Date	January 25, 2002
		First Named Inventor	Max Acosta
		Examiner Name	S. N. Ungar
		Art Unit	1642
		Attorney Docket No.	05986/100I147-US1

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account	Deposit Account Number: <u>04-0100</u> Deposit Account Name: <u>Darby &amp; Darby P.C.</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<u>Small Entity</u>	
						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
26		- 102	x	=	<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
4		- 15 =	x	=			
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
	- 100 =	/50		(round up to a whole number) x			
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge):							
Petition to Amend Inventorship (37 C.F.R. §§ 1.48(a) and 1.17(i))						130.00	

<b>SUBMITTED BY</b>			
Signature	<u>Samuel S. Woodley</u>	Registration No. (Attorney/Agent)	43,287
Name (Print/Type)	Samuel S. Woodley, Ph.D.	Telephone	(212) 527-7610
		Date	January 27, 2005

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Express Mail Label No.	Dated: _____
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Susan Ungar

02/03/2005 ANAB11 00000086 10057832  
01 FC:1464 130.00 DP

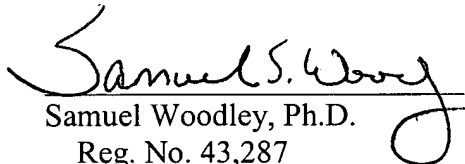
The above identified application originally identified Max Costa, Konstantin Salnikow, and Herman Yee as inventors. The actual inventors of the present invention are Max Costa, Konstantin Salnikow, Herman Yee, and Hakan Cangul.

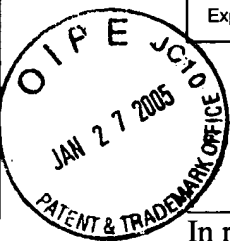
As explained in the signed statement of Dr. Hakan Cangul, the failure to name him as an inventor occurred through error and without any deceptive intention on his part. It is respectfully requested that Hakan Cangul be added as an inventor to the above-identified non-provisional application.

A check for the estimated fee of \$130.00 required under 37 C.F.R. § 1.17(i) is submitted with this petition. The Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 04-0100.

Respectfully submitted,

Dated: January 27, 2005

  
Samuel Woodley, Ph.D.  
Reg. No. 43,287  
DARBY & DARBY P.C.  
Post Office Box 5257  
New York, NY 10150-5257  
212-527-7700  
AgentsAttorneys for Applicants



Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 05986/100I147-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Max Costa et al.

Application No.: 10/057,832

Customer No.: 07278

Filed: **January 25, 2002**

Art Unit: 1642

For: METHODS AND COMPOSITIONS USING  
CAP43 PROTEINS AND NUCLEIC ACIDS  
TO DIAGNOSE AND TREAT CANCER  
AND OTHER DISORDERS

Examiner: Susan Ungar

**STATEMENT OF HAKAN CANGUL IN SUPPORT  
OF PETITION UNDER 37 C.F.R. § 1.48(a) TO CORRECT INVENTORSHIP**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

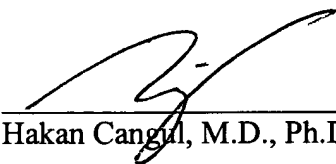
Dear Sir:

I, Hakan Cangul, hereby declare and state as follows:

1. I am a citizen of Turkey and am more than twenty-one (21) years of age. I presently reside in Turkey at the address Besevler Mah. 75. Yil Cumhuriyet Cad., Gumusyildiz Sit. 722 Prs. No: 10, Bursa, TURKEY.
2. I have been advised by counsel, and therefore believe, that I am a co-inventor of the subject matter claimed in the above-captioned patent application, along with Max Costa, Konstantin Salnikow, and Herman Yee.

3. I have also been advised by counsel, and therefore believe, that this application was originally filed without naming me as a co-inventor. In particular, I understand that the application was filed naming only my co-inventors Max Costa, Konstantin Salnikow, and Herman Yee.
4. I understand from counsel, and therefore also believe, that a Petition to Correct Inventorship is being submitted in connection with this application, requesting that my name be included, along with the names of Max Costa, Konstantin Salnikow, and Herman Yee, as co-inventor of this application. I am making this Declaration in support of that Petition to Correct Inventorship.
5. I declare that the omission of my name as a co-inventor of this application occurred without any deceptive intent on my part.
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 08/25/2004

  
Hakan Cangul, M.D., Ph.D.



## DECLARATION FOR PATENT APPLICATION



EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

- ☐ no such U.S. provisional applications have been filed.
- ☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/264,268	January 25, 2001	<u>  x  </u> Yes No ___
		___ Yes No ___
		___ Yes No ___

## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Date of Filing	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the practitioners under Customer Number

07278

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Samuel S. Woodley, Ph.D., whose address is:

**Darby & Darby P.C.**  
P.O. Box 5257  
New York, New York 10150-5257

Please direct telephone calls to: Samuel S. Woodley, Ph.D. at (212) 527-7610.  
Please direct facsimiles to: (212) 753-6237

Full name of sole or first inventor <b>Max Costa</b>	
Sole or first inventor's signature	Date
Residence <b>Hoboken, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>208 First Street #3</b> <b>Hoboken, NJ 07030</b>	

Full name of second inventor, if any <b>Konstantin Salnikow</b>	
Second inventor's signature <i>K. Salnikow</i>	Date <i>12.17.04</i>
Residence <b>Ijamsville, Maryland</b>	
Citizenship <b>US</b>	
Mailing Address  <b>7806 Lythan Place Ijamsville, MD 21754</b>	

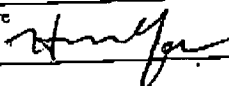
Full name of third inventor, if any <b>Herman Yee</b>	
Third inventor's signature	Date
Residence <b>Pomone, New York</b>	
Citizenship <b>US</b>	
Mailing Address  <b>54 Halley Drive Pomone, New York 10970</b>	

Full name of fourth inventor, if any <b>Hakan Cangul</b>	
Fourth inventor's signature	Date
Residence <b>Bursa, Turkey</b>	
Citizenship <b>Turkey</b>	
Mailing Address <b>Besevler Mah. 75. Yil Cumhuriyet Cad. Gumusyildiz Sit. 722 Prs. No: 10 Bursa TURKEY</b>	

Attorney Docket No.: 05986/100I147-US1

Full name of sole or first inventor <b>Max Costa</b>	
Sole or first inventor's signature	Date
Residence <b>Ramsey, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>207 East Crescent Avenue Ramsey, New Jersey 07446</b>	

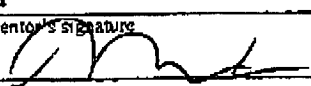
Full name of second inventor, if any <b>Konstantin Salmikow</b>	
Second inventor's signature	Date
Residence <b>Waldwick, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>3 Gateway Court Waldwick, New Jersey 07463</b>	

Full name of third inventor, if any <b>Herman Yee</b>	
Third inventor's signature 	Date <b>9/15/04</b>
Residence <b>Pomone, New York</b>	
Citizenship <b>US</b>	
Mailing Address  <b>54 Halley Drive Pomone, New York 10970</b>	

Full name of fourth inventor, if any <b>Hakan Cangul</b>	
Fourth inventor's signature	Date
Residence <b>Bursa, Turkey</b>	
Citizenship <b>Turkey</b>	
Mailing Address <b>Besevler Mah. 75. Yil Cumhuriyet Cad. Gumusyildiz Sit. 722 Prs. No: 10 Bursa TURKEY</b>	

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Attorney Docket No.: 05986/100I147-US1

Full name of sole or first inventor <b>Max Costa</b>	
Sole or first inventor's signature 	Date <b>12/07/04</b>
Residence <b>Hoboken, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  <b>208 First Street #3 Hoboken, NJ 07030</b>	

Full name of second inventor, if any <b>Konstantin Salnikow</b>	
Second inventor's signature	Date
Residence <b>Ijamsville, Maryland</b>	
Citizenship <b>US</b>	
Mailing Address  <b>7806 Lythan Place Ijamsville, MD 21754</b>	

Full name of third inventor, if any <b>Herman Yee</b>	
Third inventor's signature	Date
Residence <b>Pomone, New York</b>	
Citizenship <b>US</b>	
Mailing Address  <b>54 Halley Drive Pomone, New York 10970</b>	


Full name of fourth inventor, if any <b>Hakan Cangul</b>	
Fourth inventor's signature	Date
Residence <b>Bursa, Turkey</b>	
Citizenship <b>Turkey</b>	
Mailing Address <b>Beşevler Mah. 75. Yıl Cumhuriyet Cad. Gumusyildiz Sit. 722 Prs. No: 10 Bursa TURKEY</b>	

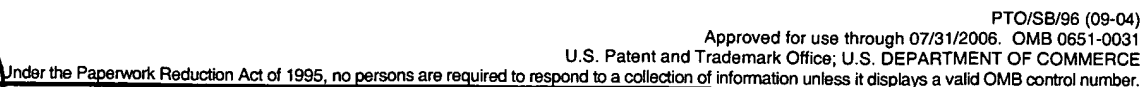
{W:\05986\100I147US1\00314881.DOC 12/07/04 16:35 FAX 212 753 6237 }

Full name of sole or first inventor <b>Max Costa</b>	
Sole or first inventor's signature	Date
Residence <b>Ramsey, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  207 East Crescent Avenue Ramsey, New Jersey 07446	

Full name of second inventor, if any <b>Konstantin Salnikow</b>	
Second inventor's signature	Date
Residence <b>Waldwick, New Jersey</b>	
Citizenship <b>US</b>	
Mailing Address  3 Gateway Court Waldwick, New Jersey 07463	

Full name of third inventor, if any <b>Herman Yee</b>	
Third inventor's signature	Date
Residence <b>Pomone, New York</b>	
Citizenship <b>US</b>	
Mailing Address  54 Halley Drive Pomone, New York 10970	

Full name of fourth inventor, if any <b>Hakan Cangul</b>	
Fourth inventor's signature 	Date <b>08.25.2004</b>
Residence <b>Bursa, Turkey</b>	
Citizenship <b>Turkey</b>	
Mailing Address Besevler Mah. 75. Yil Cumhuriyet Cad. Gumusyildiz Sit. 722 Prs. No: 10 Bursa TURKEY	



Applicant/Patent Owner: Max Costa et al.

Application No./Patent No.: 10/057,832 Filed/Issue Date: January 25, 2002

New York University , a University  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

A. ☒ An assignment from the original named inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012933 Frame 0969

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Max Costa, Konstantin Salnikow and Herman Yee To: New York University  
The document was recorded in the United States Patent and Trademark Office at  
Reel 012933 , Frame 0969 .

2. From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

12/15/04  
Date

Abram M. Goldfinger  
Printed or Typed Name  
Executive Director, Industrial Liaison/Technology Transfer  
Title

(212) 263-3115  
Telephone Number